

DOCKET FILE COPY ORIGINAL

The Chester Community Charter School

East Campus

214 East Fifth Street • Chester, PA 19013
Phone 610.447.0400 • Fax 610.447.5716

West Campus

2730 Bethel Road • Chester, PA 19013
Phone 610.447.0400 • Fax 610.447.3056

March 6, 2008

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Washington, DC 20554

Received & Inspected

MAR 11 2008

FCC Mail Room

CC: 02-6

Subject: Waiver Request CC Docket No. 02-6
and CC Docket No. 96-45
Billed Entity Number (BEN): 208516
470 Application # 932430000636694
471 Application #: 622680
FRN: 1724554
Vendor SPIN: 143004635

Dear Ms. Dortch,

In the matter of Request for Waiver by The Chester Community Charter School of Decision of Universal Service Administrator and in accordance with **47 C.F.R. § 54.721** we are requesting a waiver. The following information complies with the requirements set forth in Title 47 of the Code of Federal Regulations at section 54.721:

SECTION 54.721(b) (1) A STATEMENT SETTING FORTH THE PARTY'S INTEREST IN THE MATTER PRESENTED FOR REVIEW:

On July 1, 2006, Chester Community Charter School began use of e-mail services with the Wired Max Corporation, AKA, K12 Technologies. The first year of services went well. Therefore we entered into a second year's contract effective July 1, 2007 (E-rate Year 10). The following numbers identify our second year's contract with Wired Max: 470 Application # 321200000604763, 471 Application #: 577702, FRN: 1609924, Vendor SPIN: 143027202

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SECTION 54.72 (b)(2) A FULL STATEMENT OF RELEVANT, MATERIAL FACTS WITH SUPPORTING AFFIDAVITS AND DOCUMENTATION:

Attached please find the supporting affidavit from Josh Totoro, Project Coordinator, IT Specialist, which details the relevant material facts that support the school's request for a waiver.

Shortly after the beginning of E-rate Year 10, Wired Max Corporation sent us notification that they were terminating all telephone support for any issues. We were instructed to send any problems by e-mail to support@k12technologies.com. This method of response was effective until mid-October 2007. Since then, we have sent numerous e-mails to this address and the e-mail address of our original sales representative at the company but have received no response regarding any of our problems. In addition, their original support phone numbers have been disconnected and no one answers any of the other company phone numbers. The website for the Wired Max Corporation (www.wiredmax.net) is no longer online.

In October 2007, we had a problem whereby certain accounts lost their abilities to use the webmail interface and to receive e-mail in a third party program. We wrote numerous e-mails asking that this problem be looked into and resolved. Since then, increasingly more accounts are having the same problem. Our IT staff has come up with an alternative solution; this solution, however, is a "work-around" and still has not fixed the original problem.

As of January 2008, we began to have a new problem that we have not been able to resolve in any way. Multiple companies cannot receive e-mail from our domain. These include our payroll company, DCAAdvocates.com, tribbleco.com, and any Comcast addresses. The only way that we have been able to communicate with these organizations has been by creating Yahoo accounts from which we send our communications to them. We have continued to try to contact K12 Technologies with no success.

We have begun to assume that this company has gone, or is soon to go, out of business. This situation represents a significant threat to our school's ability to communicate and function effectively. We fear that any day we could lose all e-mail capacity.

Based on the problems we have had with Wired Max, we planned to purchase an e-mail server so we can host these services in-house. Therefore we filed the following 470 and 471 for E-rate Year 11 (July 1, 2008 – June 30, 2009): 470 Application # 932430000636694, 471 Application #: 622680, FRN: 1724554, Vendor SPIN: 143004635

Since filing the E-rate application, however, the situation has worsened and we are concerned that we could lose our e-mail service before the allowable purchase date for Year 11. Therefore, our school has released emergency funds so we can purchase this server immediately.

SECTION 54.721 (b)(3) THE QUESTION PRESENTED FOR REVIEW, WITH REFERENCE, WHERE APPROPRIATE, TO THE RELEVANT FEDERAL COMMUNICATIONS COMMISSION RULE, COMMISSION ORDER OR STATUTORY PROVISION:

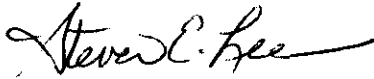
Can the Chester Community Charter School properly receive a waiver to the requirements of the rules in this case since the failure to waive the rules would result in an injustice to the public interest? We believe that the answer to this question is a resounding "Yes". (Josh, I would elaborate here) A waiver is a request to waive an FCC policy, rule, or deadline such as the Form 471 application filing window deadline. For example, if an applicant missed the filing deadline for Form 471 because of extenuating circumstances, USAC cannot waive the deadline but can ask the FCC to waive the rules in that case by filing a waiver request with the FCC. We believe that our situation is similar to the aforementioned example in the sense that we are not seeking a waiver of a deadline, but instead we are seeking a waiver of a rule so that a public injustice does not occur.

SECTION 54.71 (b)(4) A STATEMENT OF THE RELIEF SOUGHT AND THE RELEVANT STATUTORY OR REGULATORY PROVISION PURSUANT TO WHICH SUCH RELIEF IS SOUGHT.

We are requesting that you grant a waiver to the July 1, 2008 allowable purchase date for this FRN so that we can purchase the server immediately and remain eligible for the Year 11 discount / reimbursement.

Thank you for taking the time to review our waiver request. If you should have any questions or need any additional information, please do not hesitate to contact me at 610-447-0400, East Campus, ext. 213.

Sincerely,

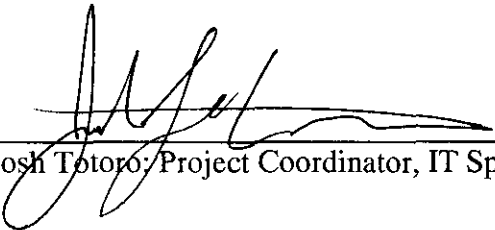
A handwritten signature in black ink, appearing to read "Steven E. Lee". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Steven E. Lee, CAO

AFFADAVIT OF JOSH TOTORO IN SUPPORT OF WAIVER

I, Josh Totoro, hereby swear that the following statements are true to the best of my knowledge, information and belief:

1. Around the end of August 2007 we received notification from Wired Max that they will no longer be offering phone support, and that all communication would be done through e-mail. Working out our issues through email was not a problem until late October 2007 when they stopped responding to us. I sent numerous inquiries through their support contact form on their website, all of which have not been responded to.
2. Through the past 5 months we have had multiple problems that we are unable to resolve. In February 2008 our domain started to be blocked by an Internet Service Provider and 2 domains; i.e. Comcast.net, DCAdvocates.com, and tribbleco.com.
3. This latest problem is seriously hindering our school's ability to communicate with the outside world so I advised the school to immediately release funds to purchase an email server so we can resolve all of our problems.


Josh Totoro, Project Coordinator, IT Specialist

3/6/2008
Date